

# BECOMING A CITIZEN COULD BECOME EASIER FOR SOME

Relevant for: Indian Polity & Constitution | Topic: Indian Constitution – Features & Significant Provisions related to The Preamble, Union & its Territories and The Citizenship

The winter session of Parliament may see the government push for the Citizenship (Amendment) Bill of 2016. The proposed law, which amends the original Citizenship Act of 1955, mandates that Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan will not be treated as illegal immigrants despite having entered India without valid documents. They will not face deportation as illegal immigrants under the Passport (Entry into India) Act of 1920 and the Foreigners Act of 1946. Illegal immigrants from these six communities from these countries are assured a smooth sail to citizenship over Muslims.

The Bill, which was introduced in Parliament on July 15, 2016, explains that many persons of Indian origin including persons belonging to the six “minority communities” from Afghanistan, Pakistan and Bangladesh have been unsuccessfully applying for citizenship under the Citizenship Act of 1955 but are unable to produce proof of their Indian origin. Hence, they are forced to apply for citizenship by naturalisation which prescribes 12 years’ residency as qualification.

The Bill states that such a long-drawn process denies illegal immigrants from these six minority communities of the three nations “many opportunities and advantages that may accrue only to the citizens of India, even though they are likely to stay in India permanently”. The amendment shortens the period of residency from 12 to seven years for gaining citizenship by naturalisation. The Bill also empowers the government to cancel registration as OCI in case of any violation of the Citizenship Act or any other laws. Recently, the government has made its resolve clear to go ahead with the amendments by notifying amendments in the Citizenship Rules of 2009 to include a separate column notifying changes in the citizenship form for applicants belonging to six communities from these three nations.

Critics say the Bill violates the basic tenets of the Constitution. By distinguishing illegal immigrants on the basis of religion, the proposed law goes against the fundamental right to equality under Article 14. The protection of Article 14 applies equally to both citizens and foreigners. Second, the Bill would hamper what the Assam National Register of Citizens seeks to achieve in the State. The NRC does not distinguish on the basis of faith unlike the 2016 Bill.

The Bill is seen by many as an effort by the BJP to make good their 2014 election promise of making India a safe haven for Hindus persecuted in the three foreign nations. However, the proposed move has drawn flak from the BJP’s coalition partner, the Asom Gana Parishad (AGP), which has threatened to break ties with the BJP if the Bill is passed. The AGP believes that the Bill is a threat to the cultural and linguistic identity of the people of Assam. The Bill, if passed as law, would be challenged in the Supreme Court on the grounds of Article 14 and as a move to disturb the NRC process.

The government's maternity benefit programme must be implemented better and comply with the Food Security Act

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